

**REMARKS**

This Amendment cancels non-elected claims 20-31 and rewrites claims 32, 36 and 37. The non-genotoxic nature of the analog employed in the claimed method is disclosed at page 4, line 32 to page 5, line 16 and page 6, line 32 to page 7, line 4. The remaining changes to these claims are merely editorial. Claims 32-37 are pending.

This Amendment overcomes the objection to claims 32-37 as dependent upon a non-elected claim. Claim 32 has been placed in independent form, and claims 33-37 depend from claim 32. Reconsideration and withdrawal of the objection to claims 32-37 are earnestly requested.

This Amendment also overcomes the 35 U.S.C. § 112, second paragraph, rejection of claims 20 and 32-37. More particularly, claim 20 has been canceled and claims 32, 36 and 37 have been amended to make the claims even more definite. Specific points raised in the Official Action are discussed below:

1. "With the help" - Claim 20 has been canceled, and this phrase is not recited by claim 32. One of ordinary skill in the art would understand the claimed method requires extraction of a naturally occurring citrullinylarginine dipeptide from the algae

into a pharmaceutically acceptable solvent, as correctly surmised by the Examiner at page 5, lines 10-11 of the Official Action.

2. "Enhancement of the Weight of" - Claim 32 has been amended to define the enhancing step to mean increasing the percentage content of polypeptides or proteins present in the extract, concentrating the extract and/or by adding additional polypeptides or proteins to the extract.

3. "Heat Treatment" - Claim 32 has been amended to define the heat treating step to mean heating the extract to produce a non-gentoxic analog of the naturally occurring citrullinylarginine dipeptide, in accordance with page 6, lines 23-37 of the specification. The analog used in the present method is prepared by a specific process which permits a non-gentoxic analog to be obtained.

4. "Resulting seaweed extract" - Claim 20 has been canceled, and this phrase does not appear in claim 32.

5. "Adding the Extract" - There is no ambiguity in this method step. One of ordinary skill in the art would understand the addition of the extract to an acceptable carrier may be performed in *any* manner which will result in the addition of the extract to the carrier to produce a composition.

6. Care Agent - "Care agent" has been deleted from claims 36 and 37.

Reconsideration and withdrawal of the indefiniteness rejection of claims 20 and 32-37 are earnestly requested.

The obvious-type double patenting rejection of claims 20 and 32-37 over claims 1-14 of U.S. Patent No. 6,716,436 is respectfully traversed. Composition claim 20 has been canceled. Method claims 32-37 of this application are patentably distinct from composition claims 1-14 of the '436 patent. More particularly, the '436 patent contains only composition claims, not method claims. Conversely, this application has been amended to contain only method claims. Composition claims 1-14 of the '436 patent do not disclose or suggest the extraction, enhancing and heat treating steps of the presently-claimed method.

The claimed method uses a non-genotoxic analog, which is patentably distinct from the genotoxic compounds of the '436 patent claims. The claimed method is for repair and revitalization of the skin or phanera, while the compounds of the '436 patent were intended for slimming purposes. Reconsideration and withdrawal of the obvious-type double patenting rejection of claims 20 and 32-37 are earnestly requested.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 20 and 32-27, and issuance of a Notice of Allowance directed to claims 32-37, are earnestly requested. The examiner is urged to telephone the undersigned should he believe any further action is required for allowance.

It is not believed any fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,

/James C. Lydon/

James C. Lydon  
Reg. No. 30,082

Atty. Case No.: **BONN-101-A**  
100 Daingerfield Road  
Suite 100  
Alexandria, Virginia 22314  
Telephone: (703) 838-0445  
Facsimile: (703) 838-0447